

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION

RONNIE E. JOHNSON/& TRUST

PLAINTIFF

v.

CASE NO. 07-0006

THE SENTINEL-RECORD, INC.; et al.

DEFENDANTS

ORDER

Plaintiff filed his Motion for Leave to File Complaint on April 30, 3007. The United States Magistrate Judge, the Honorable Barry A. Bryant, filed his Report and Recommendation (Doc. 7) on May 25, 2007. Plaintiff has filed his Objections (Doc. 13) on June 22, 2007. Plaintiff also filed a Motion for Recusal (Doc. 14) and a Motion for a “statement of necessity” (Doc. 15), which are now before the Court. This Order address the Motion for Recusal and the Motion for “statement of necessity.”

In his Motion for Recusal, Plaintiff seeks to have this case reassigned to Judge Hendren, and for Judge Dawson to recuse from the case. Plaintiff’s grounds for seeking recusal are that Judge Hendren was assigned Plaintiff’s previous Federal cases numbered 02-6220 and 03-6029. Plaintiff further claims that his case numbered 03-6029 was “illegally” moved to Judge Dawson’s docket, while previously assigned to Judge Hendren. Plaintiff states that by referring Plaintiff’s Motion to appoint counsel to the Magistrate, Judge Dawson has somehow manifested prejudice against Plaintiff. Additionally, Plaintiff claims Judge Dawson is a potential witness needed to prove his claims.

A review of the docket sheet in this and Plaintiff’s previous cases show Plaintiff’s previous case 03-6029 was reassigned to Judge Dawson, but there is no indication as to how such reassignment could be or was “illegal.” Additionally, a review of this case shows that Judge Dawson

did refer Plaintiff's Motion to appoint counsel to United States Magistrate Judge Barry A. Bryant. Judge Dawson did rule on Plaintiff's Motion for Extension of time to file objections to the Report and Recommendations. This allocation of the pending matters in this case comports with 28 U.S.C. § 636. Additionally, Judge Dawson granted (Doc. 11) the Motion for Extension of Time and both the Motion for Extension of Time and the Motion to Appoint Counsel were ruled on within the week.

Plaintiff has stated Judge Dawson would be a potential witness if his Complaint is to be accepted by the court and filed and the case to proceed. It appears Plaintiff would call upon Judge Dawson to testify as to actions by Defendant Deere in Plaintiff's previous case. Given the nature and procedural posture of this case, it appears unlikely Judge Dawson would be called as a witness. Accordingly, Plaintiff's Motion for Recusal is DENIED.

Plaintiff has also filed a Motion for a Statement of Necessity (Doc. 15). The Court is uncertain what relief the Plaintiff is seeking in this motion, but it appears the Plaintiff wishes to present evidence or testimony to the Court. Given that Plaintiff's Complaint has not been accepted or filed, such a proffer is premature. To the extent Plaintiff is attempting to amend his complaint, he may seek to do so if, and when, his Complaint is filed. The Motion for a Statement of Necessity is DENIED.

IT IS SO ORDERED.

Dated: July 30, 2007

/s/ Robert T. Dawson

Robert T. Dawson
United States District Judge